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**GENERAL TIPS FOR EMPLOYERS
ON GIVING REFERENCES**

- A. Do not provide reference information regarding a former employee without obtaining a copy of the former employee's written consent. Even then, limit the disclosure to verifiable, objective information. In such an agreement, the employee authorizes the disclosure of past employment information and releases both the prospective employer and the previous employer from all claims and liabilities arising from the release of such information. Consider requiring every employee to sign this agreement as a condition of applying for employment. Make sure the form (1) is signed by the employee or job applicant; (2) releases the employer requesting the information as well as the previous employer from liability, and (3) clearly specifies the type of information that may be divulged.
- B. Train managers and personnel representatives to understand that their communications about employees may result in liability, especially if made to an unnecessarily large group of people or to those without a need to know.
- C. Avoid using disparaging remarks. They may be evidence of "malice", or may be viewed in hindsight as opinions based on undisclosed defamatory and false facts.
- D. Communicate information concerning employees on a "need-to-know" basis.
- E. Restrict comments to what you know to be true, leaving out all hearsay and rumor. Communicate only known facts which have been verified; do not characterize the facts.

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- F. Tell the terminated employee that if he/she uses you as a reference, you will respond truthfully and accurately to any inquiries and have the employee sign a form consenting to this.
- G. Check that the person making the inquiry is indeed who he/she claims to be. Call the company and verify the person's position.
- H. Express your evaluation of the former employee as an opinion. If asked, be careful to give a full and accurate account of the factual basis of your opinion.
- I. Do not volunteer information that is not asked for, but when giving a reference, do not omit material information (the issue of completeness).
- J. Give one individual the responsibility and authority to respond to reference checks. That individual should document all such inquiries and the information provided.
- K. Be sure that all written responses to a potential employer's inquiry are based on a thorough investigation, are supported by facts, and are labeled "confidential" or "personal."
- L. Have all evaluators of employees document their evaluations and place them in a confidential personnel file for the employee.
- M. Instruct the recipient of the information to keep the information confidential.
- N. Do not furnish information about a person to persons outside your organization unless it is solicited or unless it is reasonably necessary to serve your legitimate interests.
- O. Understand that these recommendations are not absolute rules or protections - they need to be adapted to the needs of your company, industry and geographic locale as well as to the changing legal landscape.